

that is billions with a "B." Additionally, that tax would have placed the heaviest burden on lower income Americans who earn less than \$30,000 a year.

The reality is that the recent tobacco proposal would have done little to curtail teenage smoking, which was one of its original intents, and would have turned a number of trial lawyers into very rich people.

I join the Republican leadership to make every effort possible to curtail teenage smoking without massive tax increases. That is reality.

#### EDUCATION SAVINGS ACCOUNTS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, an important measure was recently passed by this House that begins to liberate American families. Those of us who talk about values like faith, family and personal responsibility must pursue policies that reinforce those values.

Allowing families to save for their children's education through education savings accounts is one such policy. Fourteen million American kids will benefit from this program. Our friends on the left say that they know best how education dollars should be spent. We say parents do. This is one more chapter in the ongoing debate.

Mr. Speaker, we want to return power and resources from the bureaucratized Federal Government back to American families. The good news is American families are winning.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken later in the day.

#### DRUG-FREE WORKPLACE ACT OF 1998

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3853) to promote drug-free workplace programs, as amended.

The Clerk read as follows:

H.R. 3853

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Workplace Act of 1998".

##### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

- (1) 74 percent of adults who use illegal drugs are employed;
- (2) small business concerns employ over 50 percent of the Nation's workforce;
- (3) in over 88 percent of families with children under the age of 18, at least 1 parent is employed; and

(4) employees who use and abuse addictive substances increase costs for businesses and risk the health and safety of all employees because—

- (A) absenteeism is 66 percent higher among drug users than nondrug users;
- (B) health benefit utilization is 300 percent higher among drug users than nondrug users;
- (C) 47 percent of workplace accidents are drug-related;
- (D) disciplinary actions are 90 percent higher among drug users than nondrug users; and
- (E) employee turnover is significantly higher among drug users than nondrug users.

(b) PURPOSES.—The purposes of this Act are to—

- (1) educate small business concerns about the advantages of a drug-free workplace;
- (2) provide financial incentives and technical assistance to enable small business concerns to create a drug-free workplace; and
- (3) assist working parents in keeping their children drug-free.

##### SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

- (1) businesses should adopt drug-free workplace programs; and
- (2) States should consider incentives to encourage businesses to adopt drug-free workplace programs. Financial incentives may include—

- (A) a reduction in workers' compensation premiums;
- (B) a reduction in unemployment insurance premiums;
- (C) tax deductions in an amount equal to the amount of expenditures for employee assistance programs, treatment, or drug testing.

Other incentives may include adoption of liability limitation as recommended by the President's Commission on Model State Drug Laws.

##### SEC. 4. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

The Small Business Act (15 U.S.C. 636 et seq.) is amended by—

- (1) redesignating sections 31 and 32 as sections 32 and 33, respectively; and
- (2) inserting the following new section:

##### "SEC. 31. DRUG-FREE WORKPLACE DEMONSTRATION PROGRAM.

"(a) ESTABLISHMENT.—There is established a drug-free workplace demonstration program, under which the Administration may make grants, cooperative agreements, or contracts to eligible intermediaries for the purpose of providing financial and technical assistance to small business concerns seeking to start a drug-free workplace program.

"(b) ELIGIBILITY FOR PARTICIPATION.—An intermediary shall be eligible to receive a grant, cooperative agreement, or contract under subsection (a) if it meets the following criteria:

- "(1) It is an organization described in section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986 that is exempt from tax under section 5(a) of such Act, a program of such organization, or provides services to such organization.
- "(2) Its purpose is to develop comprehensive drug-free workplace programs or to supply drug-free workplace services, or provide other forms of assistance and services to small businesses.
- "(3) It has at least 2 years of experience in drug-free workplace programs or in providing assistance and services to small business concerns.
- "(4) It has a drug-free workplace policy in effect.

"(c) REQUIREMENTS FOR PROGRAM.—Any drug-free workplace program developed as a result of this section shall include—

- "(1) a written policy, including a clear statement of expectations for workplace behavior, prohibitions against substances in the workplace, and the consequences of violating such expectations and prohibitions;
- "(2) training for at least 2 hours for employees;
- "(3) additional training for employees who are parents;
- "(4) employee drug testing by a drug testing laboratory certified by the Substance Abuse and Mental Health Services Administration, or ap-

proved by the Department of Health and Human Services under the Clinical Laboratories Improvements Act of 1967 (42 U.S.C. 263a), or the College of American Pathologists, and each positive result shall be reviewed by a Licensed Medical Review Officer;

"(5) employee access to an employee assistance program, including assessment, referral, and short-term problem resolution; and

"(6) continuing alcohol and drug abuse prevention program.

"(d) EVALUATION AND COORDINATION.—The Small Business Administrator, in coordination with the Secretary of Labor, the Secretary of Health and Human Services, and the Director of the Office of National Drug Control Policy, shall evaluate drug-free workplace programs established as a result of this section and shall submit a report of findings to the Congress not later than 1 year after the date of the enactment of this section.

"(e) ELIGIBLE INTERMEDIARY.—Any eligible intermediary shall be located in a state, the District of Columbia, or the territories.

"(f) DEFINITION OF EMPLOYEE.—For purposes of this section, the term 'employee' includes—

- "(1) supervisors;
- "(2) managers;
- "(3) officers active in management of the business; and
- "(4) owners active in management of the business.

"(g) CONSTRUCTION.—Nothing in this section shall be construed to require an employer who attends a program offered by an intermediary to contract for any services offered as part of a drug-free workplace program.

"(h) AUTHORIZATION.—There are authorized to be appropriated to carry out the provisions of this section, \$10,000,000 for fiscal year 1999 and such sums may remain available until expended."

##### SEC. 5. SMALL BUSINESS DEVELOPMENT CENTERS.

Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

- (1) in subparagraph (R) by striking "and";
- (2) in subparagraph (S) by striking the period and inserting "; and"; and
- (3) by inserting after subparagraph (S) the following new subparagraph:

"(T) providing information and assistance to small business concerns with respect to developing drug-free workplace programs."

##### SEC. 6. CONTRACT AUTHORITY.

The Small Business Administrator may contract with and compensate government and private agencies or persons for services related to carrying out the provisions of this Act.

##### SEC. 7. COLLECTION OF DATA AND STUDY.

(a) COLLECTION AND STUDY.—The Small Business Administrator shall collect data and conduct a study on—

- (1) drug use in the workplace among employees of small business concerns;
- (2) costs to small business concerns associated with illegal drug use by employees; and
- (3) a need for assistance in the small business community to develop drug prevention programs.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Small Business Administrator shall submit a report containing findings and conclusions of the study to the chairmen and ranking members of the Small Business Committees of the House and Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.